

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Denisart et al.  
Appl. No.: 10/569,515  
Conf. No.: 9686  
Filed: February 24, 2006  
Title: DEVICE AND METHOD FOR PREPARING A DRINK FROM A FOOD  
SUBSTANCE CONTAINED IN A CAPSULE  
Art Unit: Unknown  
Examiner: Unknown  
Docket No.: 112701-710

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**

Sir:

This Response is submitted in response to the Office Action dated September 18, 2006 regarding the above-referenced patent application.

## REMARKS

This is a reply to the Notification of Missing Requirements mailed on September 18, 2006 (a copy of which is attached).

Responsive to the Notice, Applicants hereby respectfully submit a signed declaration. Please charge Deposit Account number 02-1818 the amount of \$130.00 for payment of the late declaration surcharge as set forth in 37 CFR 1.16(f). The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

The Notice also states that additional claim fees of \$410.00 is required including multiple dependent claim fees and additional claim fees. Applicants respectfully submit that pursuant to the Preliminary Amendment filed on February 24, 2006 (a copy of which is attached), the claims were amended so as to cancel the multiple dependency of the claims as originally filed. Therefore, Applicants believe no additional claim fees are required.

Applicants respectfully submit that the application is now complete.

To the extent the Patent Office has any questions regarding this matter, please contact the undersigned attorney.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Robert M. Barrett  
Reg. No. 30,142  
Customer No. 29157

Dated: February 19, 2007



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/569,515	Jean-Paul Denisart	112701-710

29157  
 BELL, BOYD & LLOYD LLC  
 P. O. BOX 1135  
 CHICAGO, IL 60690-1135

INTERNATIONAL APPLICATION NO.	
PCT/EP04/09126	
I.A. FILING DATE	PRIORITY DATE
08/13/2004	08/25/2003

**CONFIRMATION NO. 9686**  
**371 FORMALITIES LETTER**



\*OC000000020470000\*

Date Mailed: 09/18/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/24/2006
- English Translation of the IA filed on 02/24/2006
- Preliminary Amendments filed on 02/24/2006
- Information Disclosure Statements filed on 02/24/2006
- Oath or Declaration filed on 02/24/2006
- Request for Immediate Examination filed on 02/24/2006
- U.S. Basic National Fees filed on 02/24/2006
- Priority Documents filed on 02/24/2006

**RECEIVED**  
**BELL, BOYD & LLOYD**  
**INTELLECTUAL PROPERTY DOCKET**

SEP 22 2006

ATTY: CMB/MKB  
 DOCKET #: 112701-710

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$410** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$540** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 410**
  - **\$50** for **3** total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/569,515	PCT/EP04/09126	112701-710